



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, 22 सितम्बर, 1983/31 भाद्रपद, 1905

हिमाचल प्रदेश

ELECTION DEPARTMENT

NOTIFICATION

Shimla-171002, the 1st September, 1983

No. 3-18/83-ELN.—The Election Commission of India's Notification No. 82/HP/(3/82)/83, dated the 12th August, 1983 corresponding to 21 Sravana, 1905 (Saka), containing the Judgement dated the 1st July, 1983 of the High Court of Himachal Pradesh at Shimla in Election petition No. 3 of 1982, is hereby published for general information.

By order,
Sd/-
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN,
ASHOKA ROAD,
NEW DELHI-1.

12th August, 1983
Dated—
21 Sravana, 1905 (Saka)

NOTIFICATION

No. 82/HP/(3/82)/83.—In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission hereby publishes the judgment, dated the 1st July, 1983 of the High Court of Himachal Pradesh at Shimla in Election Petition No. 3 of 1982.

भारत निर्वाचन आयोग

निर्वाचन सदन

अशोक मार्ग, नई दिल्ली-110001,

12 अगस्त, 1983

तारीख

श्रावण 21, 1905 (शक)

अधिसूचना

सं 0 82/ह0 प्र0/(3/82)/83.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग 1982 की निर्वाचन अर्जीं सं 0 3 में गिमला में स्थित हिमाचल प्रदेश के उच्च-न्यायालय के तारीख 1 जुलाई, 1983 का निर्णय एतद्वारा प्रकाशित करता है।

III. IN THE HIGH COURT OF HIMACHAL PRADESH SIMLA-1

July 1, 1983.

Election Petition No. 3 of 1982:

Date of decision: July 1, 1983.

Shri Surinder Pal

. . Petitioner.

Vs.

Shri Vidya Sagar

. . Respondent.

Coram:

The Hon'ble Mr. Justice T. R. Handa, J.

Whether approved for reporting?

For the Appellants/Petitioners

M/s. O. P. Sharma and K. C. Rana, Advocates.

For the Respondent

M/s. P. N. Lakhi, K. S. Patyal and S. S. Mittal, Advocates.

T. R. HANNA, J.

The last general election for the Himachal Pradesh State Legislative Assembly were held in May, 1982. There were as many as nine candidates in the field to contest at this election from the 49-Kangra Assembly Constituency. They included the present petitioner Shri Surinder Pal who contested on Congress (I) ticket as also the present respondent Shri Vidya Sagar who was the Bhartiya Janata Party Candidate. The poll was held on 19-5-1982. The respondent polled 15097 votes. Immediately trailing behind him was the petitioner who polled 7388 votes. The remaining seven candidates among themselves could poll only 2240 votes. The respondent thus having polled the highest number of votes was declared successful from the aforesaid constituency.

The petitioner, it appears could not reconcile himself with his defeat. He, therefore, filed the present election petition under section 81 read with section 100 of the Representation of People Act, 1951 (hereinafter referred to as 'the Act') to call in question the election of the respondent. The petitioner seeks to challenge the respondent's election on the ground that the respondent during the conduct of the election committed corrupt practices within the meaning of sub-sections (7) and (4) of section 123 of the Act. The substance of the corrupt practices alleged to have been actually committed by the respondent is as follows :—

- (i) The respondent for furtherance of his election prospects obtained the assistance of Shri Lal Singh son of Shri Suba resident of village Shamirpur who was then a serving member of the Armed Forces in as much as the respondent appointed the said Shri Lal

Singh as his polling agent for Shamirpur polling station as found from the Form of appointment of polling agent, copy of which is Annexure 'P. 1' to the petition. The respondent further asked the said Shri Lal Singh to campaign for the furtherance of his election prospects and Shri Lal Singh at the asking of the respondent actually canvassed for him during the elections.

- (ii) The respondent who is an office bearer of a Sabha known as Gram Sudhar Sabha Kangra printed, circulated and published posters like Ex. P. 2 containing absolutely false and reckless statement of facts relating to the personal character or conduct of the petitioner, being a statement reasonably calculated to prejudice the prospects of the petitioner's election.

Full particulars of the corrupt practices mentioned at (i) above find mention in paragraphs 8 and 9 of the petition while those pertaining to the corrupt practice mentioned at (ii) above are stated in paragraphs 10, 15 and 21 of the petition. Reference to such particulars shall be made hereafter at the appropriate stages of the judgment.

To put concisely the respondent in his reply filed to the petition, made a total denial of the allegations of corrupt practices made against him. He refuted the allegation that he appointed Shri Lal Singh, a serving member of the Armed Forces as his polling agent or if he ever approached any such person to campaign for him in the election. The respondent further denied if the said Shri Lal Singh acted as the polling agent or if he (Lal Singh) canvassed for him. With respect to the Form of appointment of polling agent, copy Annexure 'P. 1', the plea of the respondent was that on the day of poll he had given two blank Forms for appointment of polling agent duly signed by him to Shri Prem Kumar Sehgal with the instructions that one Amar Singh be appointed as his polling agent. The other Form was to remain as spare. This spare form was somehow misplaced by Shri Prem Kumar Sehgal and it fell into the hands of some Congress (I) worker who later introduced it in the official record after inserting the name of Shri Lal Singh therein.

With respect to the posters, copy Annexure 'P. 2', the plea of the respondent was that he was in no manner responsible for its printing or publication. He specifically denied if he asked or authorised any person to publish its contents either by circulation or orally.

On the above pleas of the parties the following issues were struck :—

1. Whether the respondent appointed Shri Lal Singh Dogra, a member of the Armed Forces, as his polling agent during the elections ?
2. Whether the said Shri Lal Singh at the instance of the respondent had actively campaigned and canvassed for the respondent and rendered him valuable assistance for furtherance of the prospects of the respondent's election ?
3. Whether the respondent, his agents or any other person with his consent, got printed and circulated the posters, a specimen of which is found at Annexure P-2 of the election petition ?
4. Whether the contents of the poster, Annexure P-2 are false and the respondent and his agents believed the same to be false or not true ?

Relief.

Issue No. 1

Section 46 of the Act relates to the appointment of the polling agents. It *inter-alia* provides that a candidate or his election agent may appoint in the prescribed manner such number

of polling agents for each polling station as may be prescribed. The manner of such appointment has been prescribed by rule 13 of the Conduct of Elections Rules, 1961. This rule reads:—

“13. APPOINTMENT OF POLLING AGENTS

- (1) The number of polling agents that may be appointed under section 46 shall be one agent and two relief agents.
- (2) Every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.
- (3) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.”

Now a simple look at Form 10 on which appointment of polling agent has to be made would show that it comprises of three parts. The first part is required to be completed and signed by the candidate or his election agent who is also to obtain the signatures of the polling agent in his presence thereon. In this part the candidate or his election agent must give the particulars of the election for which as also the constituency from which he seeks to contest. He has also to mention his own name as also the name and address of the polling agent. In addition he is to specify the number and the name of the polling station to which the appointment relates. It is only when the candidate or his election agent completes and signs this part and also obtains the signatures of the polling agent named therein that the appointment of the polling agent would be complete in so far as the candidate is concerned.

The second part contains a declaration which the polling agent must sign in the presence of the presiding officer of the relevant polling station before he can be allowed entry in the polling station.

The third part contains instructions regarding the manner of completing the Form.

Ex. P. 1 is the original Form 10 which, according to the petitioner, pertains to the appointment of Shri Lal Singh as the polling agent of the respondent. A perusal of this Form would reveal that in so far as the first part of this Form is concerned it is practically blank in as much as it contains only the name and signatures of the respondent. It does not mention to which election and from which constituency the candidate was seeking contest. Nor does it mention the name of the person intended to be appointed as polling agent. Even the number and name of the polling station concerned is not mentioned. I fail to appreciate how this document could be taken as the Form of appointment of Shri Lal Singh as the polling agent of the respondent. This Form Ex. P. 1, in my view, very much supports the plea of the respondent that he had signed it blank and handed over to one of his workers for use in case of need. In any case this Form Ex. P. 1 cannot be taken as a valid authority for the appointment of Shri Lal Singh as the polling agent of the respondent.

Though this Form Ex. P. 1 contains neither the name nor the address of Shri Lal, It was argued on behalf of the petitioner that the mere fact that it was signed by Lal Singh in the presence of the presiding officer who had accepted the same as valid would suffice to prove that Shri Lal Singh acted as the polling agent of the respondent and was so appointed. I am afraid there is absolutely no evidence to show if Shri Lal Singh, a serving member of the Armed Forces, had produced this Form and signed it before the presiding officer. PW. 3 Shri Sikandar Singh Kapoor was the presiding officer at polling station No. 29 Sh. mirpur before whom this Form is alleged to have been produced and whose signatures appear thereon. This witness simply stated

that this Form was produced for him by some person who represented himself to be Lal Singh and who signed it in his presence. That person was unknown to the presiding officer nor did he represent that he was a serving member of the Armed Forces. Shri Lal Singh, it may be observed, put in appearance in the witness box as PW. 36 and was confronted with his alleged signatures on Form Ex. P. 1. He denied if he had signed this Form or if he acted as the polling agent of the respondent. Shri Lal Singh, had brought with him his official identity card which was bearing his signatures. On a comparison of the signatures of the witness appearing on his identity card with his alleged signatures on Form Ex. P. 1., the two were found to be totally different with absolutely no point of similarity. The learned council for the petitioner was also satisfied on this aspect after seeing the two signatures. Later specimen signatures of Shri Lal Singh were obtained in Court and it was conceded that the same apparently did not tally with the alleged signatures on Ex. P. 1.

The petitioner further examined PW. 9 Romesh Kumar Dhiman and PW. 10 Jaisi Ram to prove that Lal Singh had actually acted as the polling agent of the respondent of polling station No. 29 Shamirpur on the day of poll. Both these witnesses claim that they had been appointed as the polling agents for polling station No. 29 Shamirpur by the petitioner and in that capacity they were present at the polling station on the day of poll, they claim to have seen Lal Singh acting as polling agent of the respondent at that polling station. Shri Romesh Kumar Dhiman (PW. 9) in his cross examination stated that before the commencement of the poll the presiding officer had shown the empty ballot boxes to all the polling agents present there before the same were sealed and in token thereof the witness as also Shri Lal Singh had signed the declaration Form Appendix IV. Ex. P. 2 in this Form. It, however, does not bear the signatures of Shri Lal Singh. On the other hand it purports to have been thumb marked by one Amar Singh in his capacity of polling agent of the respondent. When confronted with this situation PW. 9 Romesh Kumar Dhiman expressed his inability to state if Amar Singh had thumb marked this Form in his presence as polling agent of the respondent or if the said Shri Amar Singh had acted as polling agent of the respondent at that polling station. With respect to Shri Lal Singh the witness then shifted from his earlier stand and deposed that Shri Lal Singh went away after delivering the Form of his appointment Ex. P. 1 to the presiding officer. PW. 10 Jaisi Ram in his turn deposed that both Amar Singh and Lal Singh had acted as polling agents of the respondent at the polling station (Shamirpur). He, however, stated that Amar Singh was not present in the morning and was seen only later on. This is evidently belied by the Appendix IV (Ex. P. 2) which purports to bear the thumb mark of Amar Singh and does not bear the signatures of Lal Singh. It may be observed that the signature/thumb mark of the polling agents present at the polling station are obtained on this Form Appendix IV before the commencement of the poll after they are shown the empty ballot boxes before sealing them.

The relevant Appendix IV Ex. P. 2 would conclusively prove that it was only Amar Singh who was present at the time of sealing of the ballot boxes on behalf of the respondent and that Shri Lal Singh was not present there.

The petitioner of course did state in his statement that he visited the polling station Shamirpur on the day of poll and found Lal Singh present there. His statement, however, in the face of the oral and documentary evidence discussed above would inspire no confidence. Again if there was any truth in the statement of the petitioner he would have made a complaint about it to the presiding officer or should otherwise have created some sort of infallible evidence to prove the presence of Shri Lal Singh in his capacity of polling agent of the respondent at the polling station.

On the record of the case as it stands, the conclusion is irresistible that Shri Lal Singh (P. W. 36) was neither appointed as his polling agent by the respondent, nor did this person actually act in that capacity. This issue is thus found against the petitioner.

contained statement of facts in relation to the personal character and conduct of the petitioner both as a person and as a lawyer. The allegations contained against the petitioner in such posters were all false to the very knowledge and belief of the respondent and they amounted to character assassination of the petitioner so as to prejudice his prospects at the election.

It was further alleged that :

On 16-5-1982 the contents of this poster were read out in village Kholi in the constituency of the petitioner by Shri Gopi Chand in the presence of Sarvshri Jago Ram, Madho Ram, Kalu Ram, Salo Ram, Phagan Ram and others.

This Gopi Chand had been deputed by the respondent to campaign for him.

On 18-5-1982 the same Shri Gopi Chand read out the contents of the said poster to Pritam Chand and others in village Gheen and exhorted these persons not to vote for the petitioner.

On 19-5-1982 on the day of poll and when the poll was in progress a copy of this poster was received by the Prachan Gram Panchayat, Gheen by post and he read out the contents of the same in the presence of Sarvshri Bhim Sen, Suchinder Gupta, Parshotam Singh and others.

It was further alleged that on 16-5-1982 a public meeting was organised by the Bhartiya Janata Party at Kangra wherein Shri Ram Parshad who acted as Stage Secretary of the meeting, in the course of his address, had referred to the various false allegations contained against the petitioner in the poster Mark X-1, and had asked the voters present there not to vote for the petitioner. Similarly a meeting was held at village Jalari on 17-5-1982 which was addressed by one Shri Chadha who also read out the allegations contained in the poster Mark X-1 against the petitioner and thus assassinated the character of the petitioner.

It was also alleged that the copies of the poster Mark X-1 were received by post in the constituency of the petitioner by a number of his voters, the names of some of them have been given in para No. 21 of the petition.

Now Mark X-1 is the objectionable poster which is alleged to have been printed and published by the respondent. This poster is in Hindi and purports to have been published in the name of Gram Sudhar Sabha, Kangra. There is absolutely no evidence on record to show as to when, where and by whom this poster was printed. The learned counsel for the petitioner sought to connect the respondent with the printing of this poster on the solitary ground that the respondent was the President of the gram Sudhar Sabha, Kangra and the posters had been printed under the name of this Sabha. The respondent is admittedly the President of the Sabha known as Sanyukt Salahkar Avam Gram Sudhar Sabha Jamanabad (Kangra). He is not the President of any Sabha known as the Gram Sudhar Sabha Kangra. Even if it be assumed that Gram Sudhar Sabha Kangra whose name appears in the poster is the abbreviation of Sanyukt Salahkar Avam Gram Sudhar Sabha Jamanabad (Kangra) of which the respondent is the President and the Poster Mark X-1 was printed in the name of the respondent's Sabha, it would not by itself mean that this poster was printed by the respondent or for that matter by the Gram Sudhar Sabha which name appears on this poster. In case the Gram Sudhar Sabha of which the respondent is the President was responsible for the printing of this poster, the printing charges thereof should have found mention in the books of this Sabha. RW.5 Shri Amar Singh Koti is the Finance Secretary of the Sanyukt Salahkar Avam Gram Sudhar Sabha Jamanabad (Kangra) of which the respondent is the President. He denied on oath if the posters like Mark X-1 were got printed or published by his Sabha. He had brought with him the relevant record of his Sabha comprising of the Cash Book, Ledger and the Despatch Register.

No entry with respect to the printing or despatch of the posters like Mark X-1 was found in this record. In the circumstances it is difficult to say as to who was responsible for the printing of the poster Mark X-1.

There is no suggestion if the respondent had appointed any election agent for the purposes of his election. In order therefore to connect the respondent with the publication of the poster X-1, it has to be shown that the respondent had either published/distributed such like poster himself or that the same was/were by his agents and others with his consent. As regards the publication/distribution of these posters by the respondent himself is concerned, there is the solitary statement of PW. 34 Kishore Chand on this point. This witness stated that there a meeting of the Bhartiya Janata Party organized at Kangra on 16-5-1982 which was addressed among others by Shri Attal Behari Vajpai who had come from outside. The witness did not attend that meeting. He was then present in his office which was about 200 or 300 metres away from the place where the meeting of the Bhartiya Janata Party was held. After the conclusion of the meeting goes the version of the witness, the respondent Shri Vidyasagar personally came to his office where he delivered a copy of the poster Mark X-1 to him. The petitioner also while in the witness box deposed that this witness Kishore Chand had produced a copy of the poster Mark X-1 before him in the evening of 16-5-1982. In this connection I have only to observe that there is no mention whatsoever found in the election petition about this witness Kishore Chand having received a copy of the poster from the respondent on 16-5-1982 or having delivered the same to the petitioner in the same evening. If there was any truth in the version now given by this witness, there is no explanation why this fact which was admittedly within the knowledge of the petitioner, was not mentioned in the particulars of the corrupt practice stated in the petition. In this absence of such mention in the petition the only logical inference is that this is an after thought on the part of the petitioner otherwise also the evidence of PW. 34 Kishore Chand on this point does not look credible. There is no reason why the respondent himself should have gone to this particular witness only to deliver the poster Mark X-1 and that also after the conclusion of the meeting wherein distinguished guests like Shri Attal Behari Vajpai had to come to address. The respondent while in the witness box denied having gone to the office of this witness or having delivered a copy of the poster X-1 to him after the conclusion of the meeting of 16-5-1982. On the other hand he has stated that after the conclusion of the meeting he went up to Rani Tal in the car of Surinder Singh to see off Shri Attal Behari Vajpai. I see no reason to disbelieve the version of the respondent. There is thus no reliable evidence on the record from which a conclusion could be drawn that the respondent had published/distributed poster Mark X-1.

As regards the publication and distribution of the poster in question by other persons I may state at the outset that although there are allegations in the petition that some other persons had published/distributed such like posters, there is no specific averment made in the petition that this had been done with the consent either express or implied of the respondent. In the absence of this averment it is not necessary for me to discuss the evidence adduced with respect to the publication/distribution of these posters by other persons even though they were the workers of the respondent. I would still make a brief reference to the evidence on the subject.

A number of witness have been examined to prove that the copies of this poster had been despatched by post. These witnesses are Sarvshri Baiju Ram (P.W. 12), Madho Ram (P.W. 13), Prem Dass (P.W. 21), Sahib Singh (P.W. 22), Durga Dass (P.W. 23), Amar Nath (P.W. 24), Bakshi Ram (P.W. 25), Jagat Ram (P.W. 26), Bachittar Singh (P.W. 27), and Salig Ram (P.W. 28). They did state that they had received copies of posters Mark X-1 by post but none of them was in a position to state about the source from which these copies were despatched. The respondent, therefore, cannot be connected with the despatch/posting of these posters to these witnesses.

PW. 32 Uma Kant Sharma and PW. 33 Vijay Kumar were examined to prove that two persons Sarvshri Mani Ram and Rakesh Kumar were seen throwing copies of such like posters on

the road while going on a motor cycle in the town of Kangra on 17-5-1982. There is no evidence adduced to connect Shrvshri Mani Ram and Rakesh Kumar with the respondent much less to show that these persons if at all they had thrown such posters had done so with the consent of the respondent.

There is then P.W. 12 Baiju Ram who stated that a copy of the poster X-1 had been produced before him by P.W. 36 Lal Singh though this witness (P.W. 12) had already received a copy of this poster by post. I have already discussed the evidence with respect to the part played by Lal Singh in the election of the respondent and in view of that discussion the statement of P.W. 12 Baiju Ram deserves no credence.

P.W. 13 Madho Ram and P.W. 14 Bhim Sen stated that the contents of poster were read out to them in their village Kholi by Shri Gopi Chand. Similarly P.W. 15 Parshotam Singh deposed that the same Gopi Chand had on 18-5-1982 at village Gheen delivered a copy of the poster to him. This Gopi Chand was of course a worker of the respondent but then there is no evidence to show if this Gopi Chand if at all he had published the contents of the poster X-1 and done with the consent or under the authority of the respondent.

Practically on the same lines is the evidence of P.W. 15 Bhim Sen and P.W. 17 Sudhinder Gupta who deposed that on 19-5-1982, the day of poll Shri Gian Chand Pradhan had received copy of the poster by post and had read out the contents thereof in the presence of these witnesses and others. In this connection it may further be observed that as per the evidence of P.W. 16 Parshotam Singh who was the polling agent of the petitioner himself at polling Station Gheen, Gian Chand Pradhan had remained within the polling station Gheen along with this witness throughout the day from 8 A.M. to 5 P.M. Gian Chand Pradhan it may be stated was the polling agent of the respondent at polling station Gheen. P.W. 16 Parshotam Singh further deposed that both he and Gian Chand Pradhan remained together throughout the duration of the poll between 8 A.M. to 5 P.M. at the polling station. In case Gian Chand Pradhan had received any poster by post and had read out the contents thereof, this witness Parshotam Singh would have been the first person to know about it. Since he does not talk about any such matter the safe conclusion is that both P.W. 15 Bhim Sen and P.W. 17 Sudhinder Gupta were making a false statement.

The further case of the petitioner is that the allegations made against him in the poster Mark X-1 were read out in the public meeting held on 16-5-1982 at Kangra and again on 17-5-1982 at village Jalari. There is no allegation in the petition if the respondent attended either of those two meetings or if the persons who read out the objectionable allegations against the petitioners in such meetings did so with the consent of the respondent. The evidence, however, shows that the respondent was present in the meeting held at Kangra on 16-5-82 though he was not present in the meeting held at Jalari on 17-5-1982. P.W. 18 Haqikat Singh, P.W. 19 Duni Chand and P.W. 20 Mohinder Chand are the persons who have been examined to depose with respect to the proceedings of the meeting held at Kangra on 16-5-1982. All these three witnesses claim that they were present together at the said meeting. As per P.W. 18 Haqikat Singh this meeting was addressed by Sarvshri Ram Prashad, Vidya Sagar, Ram Rattan and 5 or 7 other persons. According to him all these 8 or 10 speakers had spoken on the same lines using derogatory language against the character of the petitioner. According to this witness the speakers had stated that the petitioner was not of a good character, was in league with Devki Nandan, did not treat the bad persons properly, had sold the property of his uncle, had along with his father embezzled Rs. 80,000/- and with that amount had constructed a house. P.W. 19 Duni Chand and P.W. 20 Mohinder Chand on the other hand stated that it was Ram Parshad alone who in his address had used defamatory language against the personal character of the petitioner. According to both these witnesses the other speakers at the meeting made no reference in the personal character of the petitioner and that they only asked the public to vote for the Bhartiya Janata Party as Congress Party had done nothing for them.

Both Vidya Sagar as also Ram Parshad while in the witness box denied on oath if they had made any reference to the personal character of the petitioner in their addresses given in the meeting of 16-5-1982 which both of them admit to have attended. P.W. 4 Gopi Chand and P.W. 7 Surinder Singh who also claim to have attended that meeting corroborated the version of the respondent and Ram Parshad P.W. In these circumstances I see no reason to give preference to the contradictory statements of P.Ws. Haqikat Singh, Duni Chand and Mohinder Chand over the consistent version of the respondent and his witnesses.

With respect to the meeting alleged to have been held at Jalar on 17-5-1982, the only evidence as found in the statements of P.W. 29 Jharu Ram, R.W. 30 Chattar Singh and P.W. 31 Ram Saran is that one Dr. Chadha had addressed that meeting wherein he had referred to the allegations made against the petitioner in the poster Mark X-1. According to P.W. 29 Jharu Ram this meeting was held in front of his shop. In his cross examination he stated that he was running a cloth shop in the village for the last 8 or 10 years. According to P.W. 30 Chattar Singh there are only two shops on the spot where the meeting was held and one of them was of Jaishi Ram and the other of Brij Lal. This witness specifically stated that there was no cloth shop in the village. According to the third witness Ram Saran (P.W. 31) there were shops on either side of the shop in front of which Dr. Chadha addressed the meeting. In view of these contradictions in the statements of the PWs with respect to the place where the meeting is alleged to have taken place, their evidence deserves no credence. In any case there is nothing to suggest if Dr. Chadha if at all he had addressed the meeting had done so with the consent of the respondent.

In the result I find that neither the respondent nor any other person with his consent printed, published or circulated poster found at Annexure P. 2 (Mark X-1). This issue is also found against the petitioner.

Issue No. 4.

This issue was not contested, Shri Vidya Sagar respondent frankly admitted that the statement of facts given in the poster X-1 pertaining to the personal character of the petitioner were all false and he did not believe the same to be true. This issue is accordingly found in favour of the petitioner.

As a result of my findings above I hold that the respondent committed no corrupt practice in the course of his election and dismiss this petition. I further direct that the petitioner shall pay the costs of the respondent which are assessed at Rs. 2,000/-.

Intimation with respect to the result of this election petition be communicated forthwith to the Election Commission as also to the Speaker, Himachal Pradesh Legislative Assembly. An authenticated copy of this judgment be also forwarded to each of these authorities as soon as possible.

Sd/-
(T. R. HANNA), J.

July 1, 1983.

By order,
O. N. NAGAR,
Under Secretary,
Election Commission of India.

गृह विभाग

अधिसूचना

शिमला-2, 13 सितम्बर, 1983

संख्या गृह (ए०)-एफ०(१५)-१/७७—हिमाचल प्रदेश के राज्यपाल फील्ड फायरिंग एवं आर्टिलरी प्रेक्टिस अधिनियम, 1938/1930 का पांचवां अधिनियम की धारा ९ की उप-धारा (३) के अधीन प्रदत्त जक्तियों का प्रयोग करते हुए जैसा कि धारा ९ की उप-धारा (४) में अपेक्षित है इस अधिनियम की धारा ९ की उप-धारा (२) के अधीन उन क्षत्रों में जो कि हिमाचल प्रदेश सरकार ने अधिसूचना संख्या होम (ए०)-एफ०(१५) १/७७, दिनांक ४ अक्टूबर, १९७७ एवं १४-६-१९८२ जो कि राजपत्र हिमाचल प्रदेश के राजपत्र दिनांक ११ अक्टूबर, १९७७ एवं १२ जुलाई, १९८२ में क्रमशः प्रकाशित हुई थी में निर्दिष्ट किये गये हैं में निम्नलिखित अवधि के दौरान फील्ड फायरिंग तथा आर्टिलरी प्रैक्टिस करने हेतु प्राधिकृत करने के निश्चय को सरकारी राजपत्र में इस आशय की अधिसूचना उन लोगों की सूचना हेतु जो कि उसके द्वारा प्रभावित होने सम्भावित है, सहर्ष प्रकाशित करते हैं।

सितम्बर, 1983

15 से 17 तक
19 से 24 तक
26 से 30 तक

अक्टूबर, 1983

03 से 08 तक
10 से 14 तक

जनवरी 1984

16 से 20 तक
23 से 28 तक
30 से 31 तक

फरवरी, 1984

06 से 09 तक
13 से 16 तक
20 से 23 तक
27 से 29 तक

मार्च 1984

06 से 09 तक
12 से 16 तक
19 से 23 तक
26 से 31 तक

अप्रैल, 1984

03 से 06 तक
09 से 13 तक
16 से 21 तक

के० सी० पाण्डेय,
मुख्य सचिव।